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9      **UNITED STATES DISTRICT COURT**

10     **DISTRICT OF NEVADA**

11     MICHAEL RUTH, and OTILDA  
12     LAMONT, Derivatively on Behalf of  
13     CANNAVEST CORP.,

14     Plaintiffs,

15     v.

16     MICHAEL MONA, JR., BART P.  
17     MACKAY, and LARRY RASKIN,

18     Defendants,

19     and

20     CANNAVEST CORP.,

21     Nominal Defendant.

Case No.: 15-00481-RFB-VCF

**FURTHER JOINT STATUS  
REPORT TO MAGISTRATE  
JUDGE CAM FERENBACH**

1           **WHEREAS**, by Order dated January 11, 2016, (D.E. 34), Judge Boulware  
2 ordered that the current action shall continue to be stayed pending a resolution of the  
3 motion to dismiss in the related action styled as *In re: CannaVest Corp., Securities*  
4 *Litigation*" under case no. 14-cv-2900 (hereafter, the "New York Federal Securities  
5 Action");

6           **WHEREAS**, Judge Boulware, also on January 11, 2016, ordered the parties to  
7 submit a written Status Report to Magistrate Cam Ferenbach as to the status of the  
8 motion to dismiss in the New York Federal Securities Action on or before March 31,  
9 2016;

10          **WHEREAS**, in the New York Federal Securities Action the lead plaintiff filed a  
11 consolidated complaint on September 14, 2015, and Defendants responded with a  
12 motion to dismiss on December 11, 2015;

13          **WHEREAS**, the lead plaintiff in the New York Federal Securities Action served  
14 its Opposition to Defendants' Motion to Dismiss on March 21, 2016;

15          **WHEREAS**, the Court in the New York Federal Securities Action uses the  
16 "bundling" method of having a motion presented to it only after all the papers have been  
17 served;

18          **WHEREAS**, the Defendants' motion to dismiss the New York Federal Securities  
19 Action has been fully briefed, with all papers having been docketed on September 30,  
20 2016;

21          **WHEREAS**, the Defendants' motion to dismiss the New York Federal Securities  
22 Action is currently under submission with the Southern District of New York;

23          **WHEREAS**, the Southern District of New York has not set or requested a hearing  
24 on the Defendants' motion to dismiss the New York Federal Securities Action, and  
25 presently the parties expect that court to issue an opinion based solely on the papers,  
26 unless the parties are advised otherwise;

27          **WHEREAS**, there are no motions presently pending before this Court;

28          **WHEREAS**, the parties have met and conferred, and therefore:

**ACCORDINGLY**, the parties respectfully submit:

1. that the instant action should continue to be stayed under the same terms as set forth in the parties' Stipulation dated January 5, 2016 (D.E. 33), which was "so-ordered" by Judge Boulware on January 11, 2016 (D.E. 34);
  2. That the parties provide a further status report to Magistrate Judge Cam Ferenbach on or before December 22, 2017 as to the status of the pending motion to dismiss in the New York Federal Securities Action; and
  3. That as set forth in this Court's Order dated January 11, 2016 (D.E. 34), if the motion to dismiss in the New York Federal Securities Action is resolved before December 22, 2017, then the parties shall, within thirty (30) days after the resolution of the motion to dismiss in the New York Federal Securities Action, or an earlier lifting of the stay of the instant case, propose a Joint Discovery Plan for this Court's approval.

Dated: September 14, 2017

## **MATTHEW L. SHARP, LTD.**

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CannaVEST Corp.*

**IT IS SO ORDERED.**

**UNITED STATES MAGISTRATE JUDGE**  
**DATED:** 9-15-2017

## **CERTIFICATE OF SERVICE**

Pursuant to Federal Rules of Civil Procedure 5 (b), I hereby certify that I am an employee of Procopio, Cory, Hargreaves & Savitch, LLP and that on this 14th day of September 2017, I caused the document entitled “FURTHER JOINT STATUS REPORT TO MAGISTRATE JUDGE CAM FERENBACH” to be served on the parties in this action via the Court’s CM/ECF System.

**By:** s/Melissa Avitia Turpin

**An Employee of PROCOPIO, CORY,  
HARGREAVES & SAVITCH, LLP**